

1934

CA

Scrutton LJ, Slessor LJ Defamation, Damages Casemap

1 Cites

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The plaintiff (herself a Princess) complained that she could be identified with the character Princess Natasha in the film "Rasputin, the Mad Monk". On the basis that the film suggested that, by reason of her identification with "Princess Natasha", she had been seduced by Rasputin, she was awarded £25,000 damages. The defendant contended that if the film indicated any relations between Rasputin and "Natasha" it indicated a rape of Natasha and not a seduction. Held: In defamation cases, the setting of the level of damages is for the jury.

Slessor LJ said that defamation could include words which cause a person to be shunned or avoided: "not only is the matter defamatory if it brings the plaintiff into hatred, ridicule, or contempt by reason of some moral discredit on [the plaintiff's] part, but also if it tends to make the plaintiff be shunned and avoided and that without any moral discredit on [the plaintiff's] part. It is for that reason that persons who have been alleged to have been insane, or be suffering from certain diseases, and other cases where no direct moral responsibility could be placed upon them, have been held to be entitled to bring an action to protect their reputation and their honour." and, on the facts: "One may, I think, take judicial notice of the fact that a lady of whom it has been said that she has been ravished, albeit against her will, has suffered in social reputation and in opportunities of receiving respectable consideration from the world." and

"I, for myself, cannot see that from the plaintiff's point of view it matters in the least whether this libel suggests that she has been seduced or ravished. The question whether she is or is not the more or the less moral seems to me immaterial in considering this question whether she has been defamed, and for this reason, that, as has been frequently pointed out in libel, not only is the matter defamatory if it brings the plaintiff into hatred, ridicule, or contempt by reason of some moral discredit on her part, but also if it tends to make the plaintiff be shunned and avoided and that without any moral discredit on her part. It is for that reason that persons who have been alleged to have been insane, or to be suffering from certain diseases, and other cases where no direct moral responsibility could be placed upon them, have been held to be entitled to bring an action to protect their reputation and their honour." and

"When this woman is defamed in her sexual purity I do not think that the precise manner in which she has been despoiled of her innocence and virginity is a matter which a jury can properly be asked to consider."

Scrutton LJ defined a defamatory statement as "a false statement about a man to his discredit".

As to the assessment of damages by the jury: "The constitution has thought, and I think there is great advantage in it, that the damages to be paid by a person who says false things about his neighbour are best decided by a jury representing the public."